

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

2015 OCT 28 PM 3:16

CLERK *J. Howell*  
SO'DIST. OF GA.

UNITED STATES OF AMERICA \*

\*

v. \*

CR 194-023

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JOHN D. HATNEY, JR. \*

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O R D E R

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Following a three-day jury trial in August 1994, Defendant John D. Hatney, Jr., was convicted on two charges: (a) receipt of visual depiction of a minor engaging in sexually explicit conduct, and (b) possession of three or more items depicting minors engaging in sexually explicit conduct. On July 31, 1996, Hatney was sentenced to serve 108 months in prison following an unsuccessful appeal of his original sentence. He was released from custody on June 17, 2002, and he completed supervised release on June 16, 2005.

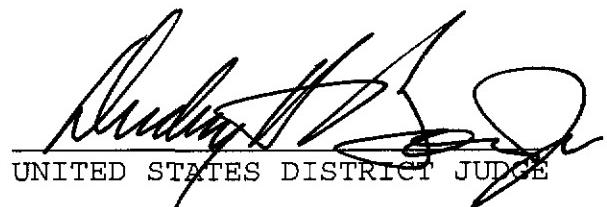
On March 25, 2013, Hatney filed a "letter request" in this Court, in which he sought a court order directing the removal of the requirement that he register on the state's sex offender registration list. (Doc. No. 92.) Upon review of the applicable state statute, O.C.G.A. § 42-1-19, this Court denied his request. (Order of Mar. 28, 2013, Doc. No. 93.)

Section 42-1-19 provides a mechanism by which a

registrant may petition for release from registration requirements or restrictions. In 2013, Hatney's request was denied because ten years had not elapsed from the time Hatney had completed supervised release as required by the statute. The Court did not otherwise address Hatney's eligibility under the statute. (See generally Order of Mar. 28, 2013.)

Presently, Hatney has re-filed his request titled "Letter of Request to Review Offender Status in Light of Post Conviction Rehabilitation."<sup>1</sup> Importantly, under Section 42-1-19(b), a petition for release from registration requirements or restrictions must be filed in the state superior court. Thus, this Court does not have authority to grant the relief requested. For this reason, IT IS ORDERED that Hatney's motion for relief (doc. no. 94) is DENIED.

ORDER ENTERED at Augusta, Georgia, this 28<sup>th</sup> day of October, 2015.



UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Hatney's submission includes various photocopies of accomplishments and certificates that he has attained, most of which are already in the record. The Clerk is directed to docket only the recent two-page letter and return the remaining material to Hatney with the service copy of this Order.